

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ARTEMIS MARKETING CORP.
f/k/a ROOMS TO GO, INC.,
a Nevada corporation,

Plaintiff,
-against-

MEMORANDUM AND ORDER
Case No. 09-CV-2413 (FB) (SMG)

ROOMS 2 GO FURNITURE, INC.,
a New York corporation,

Defendant.

X

Appearances:

For the Plaintiff:

ANDREW L. DEUTSCH, ESQ.
DLA Piper LLP
1251 Avenue of the Americas
27th Floor
New York, NY 10020-1104

BLOCK, Senior District Judge:

On December 8, 2009, Magistrate Judge Gold issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against defendant in the amount of \$1,000.00, *see* R&R at 4, and that a permanent injunction be issued against the defendants, *see id.* at 4-5. The R&R also stated that failure to object within ten days would preclude appellate review. *See id.* at 6. Attorney for plaintiffs mailed a copy of the R&R to defendant on December 28, 2009; no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a

waiver of further judicial review of the magistrate's decision."'). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 22, 2010